



# CITY OF AUSTIN

## Fair Housing Action Plan

February 9, 2016



# Agenda for today

- What is “fair housing”?
- The Analysis of Impediments to Fair Housing
- Fair Housing Action Plan goals and outcomes
- What is the City and the community already doing to address fair housing?
- 2015 Accomplishments
- Next Steps

# Fair Housing Choice Defined

Individuals and families should be able to:

- Live where they choose without barriers related to the classes protected under the Fair Housing Act
- Achieve fair housing choice given the legacy of segregation, ongoing discrimination, and residential patterns that offer different levels of access to community assets

# HUD Fair Housing Requirements

- 1) Examine and attempt to alleviate housing discrimination within their jurisdiction**
- 2) Promote fair housing choice for all persons**
- 3) Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin**
- 4) Promote housing that is accessible to and usable by persons with disabilities**
- 5) Comply with the non-discrimination requirements of the Fair Housing Act**

# Affirmatively Furthering Fair Housing Requirements – Old Rule

- Have an Analysis of Impediments to Fair Housing Choice (AI)
- Take appropriate actions to overcome the effects of impediments
- Keep records reflecting the analysis and showing actions taken

# Affirmatively Furthering Fair Housing Requirements – New Rule

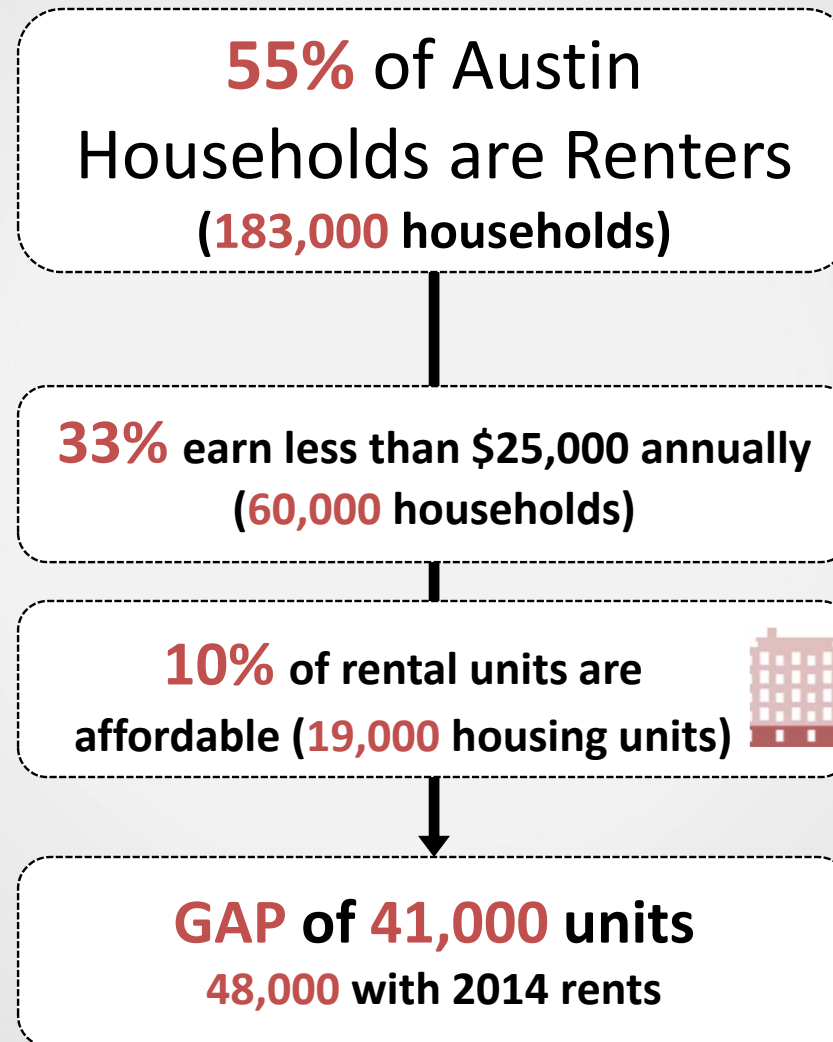
- Have an Assessment of Fair Housing (AFH), paired with the five-year Consolidated Plan
  - The AFH will be integrated into ConPlan, Action Plans, and other HUD-required plans
  - The AFH will be reviewed by HUD; the AI was not
- Establish priority fair housing problems and goals, with strategies to overcome problems included in other plans
  - *Overcome* problems, not mitigate them
- Keep records reflecting the AFH and actions taken
- The purpose: link fair housing to everything we do



# **Analysis of Impediments to Fair Housing Choice (AI)**

- **Until 2019, the City is required by Housing and Urban Development (HUD) to conduct an Analysis of Impediments to Fair Housing Choice (AI)**
- **The AI is a comprehensive review of an entitlement jurisdiction's laws, regulations and administrative policies, procedures and practices**
- **It is an assessment of how these laws, regulations, policies and the procedures affect the location, availability, and accessibility of housing, and how conditions, both private and public, affect fair housing choice**

# Affordable rental housing gap





# Affordable ownership housing gap

**45%** of Austin  
Households are Homeowners  
(**148,000** households)



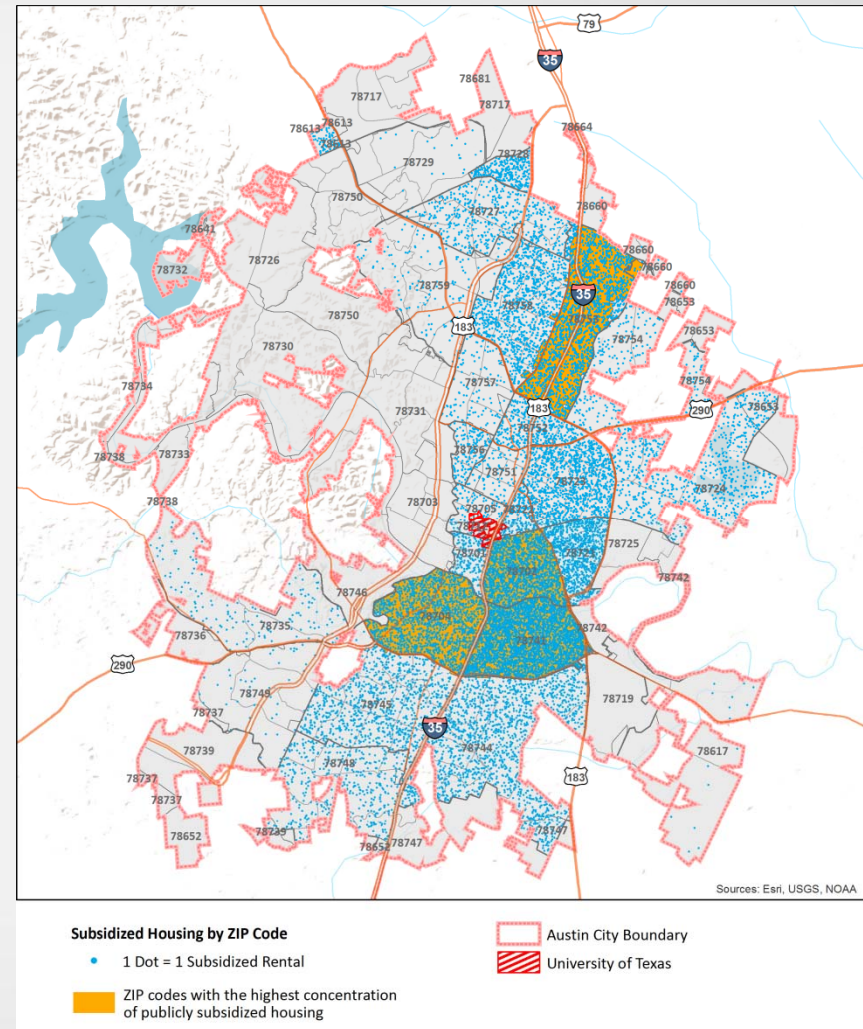
Renters  
earning  
<\$50,000 { **20%** detached  
**42%** attached

Renters  
earning  
<\$75,000 { **47%** detached  
**66%** attached

Housing Units  
in Austin  
affordable to  
renters wanting to  
become owners

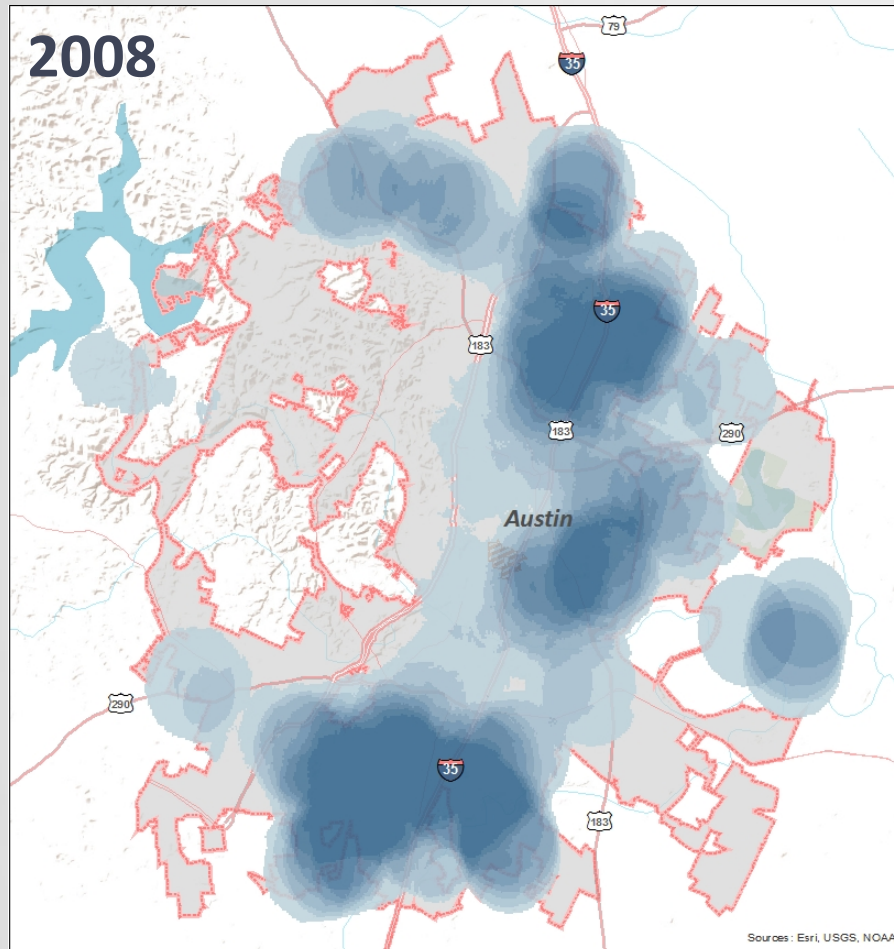
# Housing market affordability

- Persons with disabilities and some racial and ethnic minorities are disproportionately affected by gap in affordable housing.
- Publicly subsidized rental units are concentrated in a handful of ZIP codes



# Change in affordability

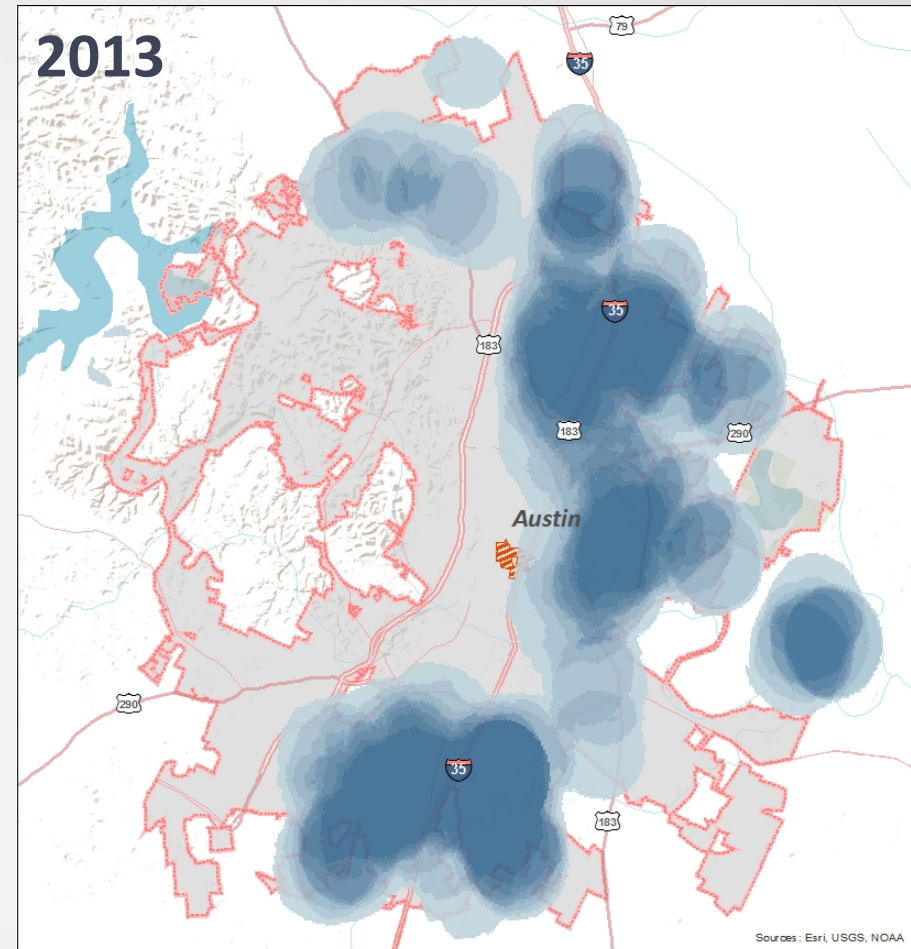
0% to 80% of 2008 MFI



2008 Inventory:  
Density of Detached Single Family Units  
Affordable to 0% to 80% of 2008 MFI at 2008 interest rates  
(\$0 to \$178,165)

Low Density  
Moderate Density  
High Density

University of Texas  
Austin City Boundary



2013 Inventory:  
Density of Detached Single Family Units  
Affordable to 0% to 80% of 2008 MFI at 2008 interest rates  
(\$0 to \$178,165)

Low Density  
Moderate Density  
High Density

University of Texas  
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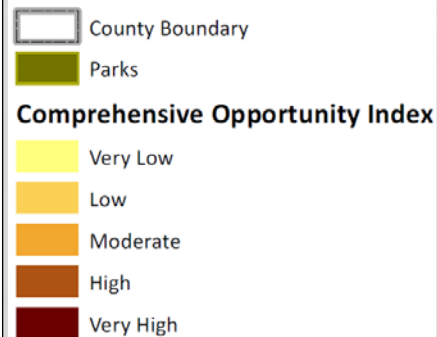
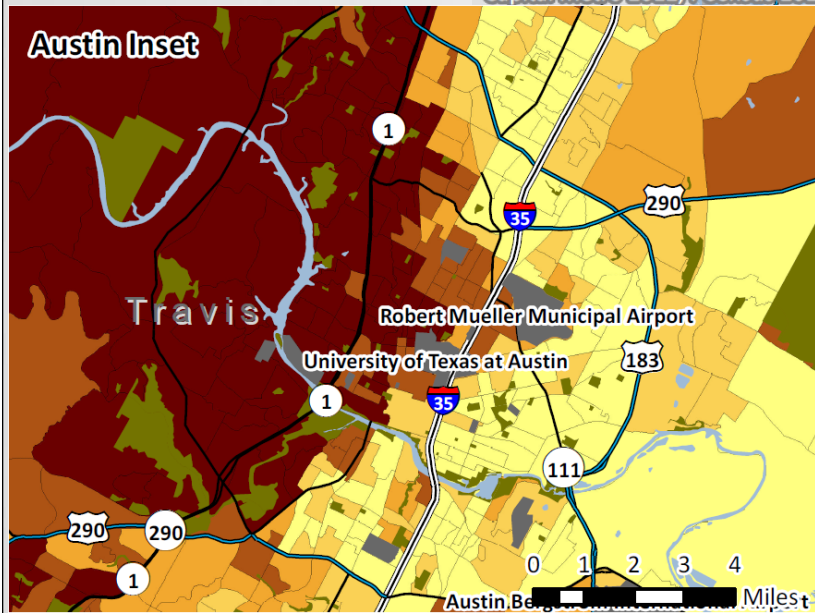


# Map1. Comprehensive Opportunity

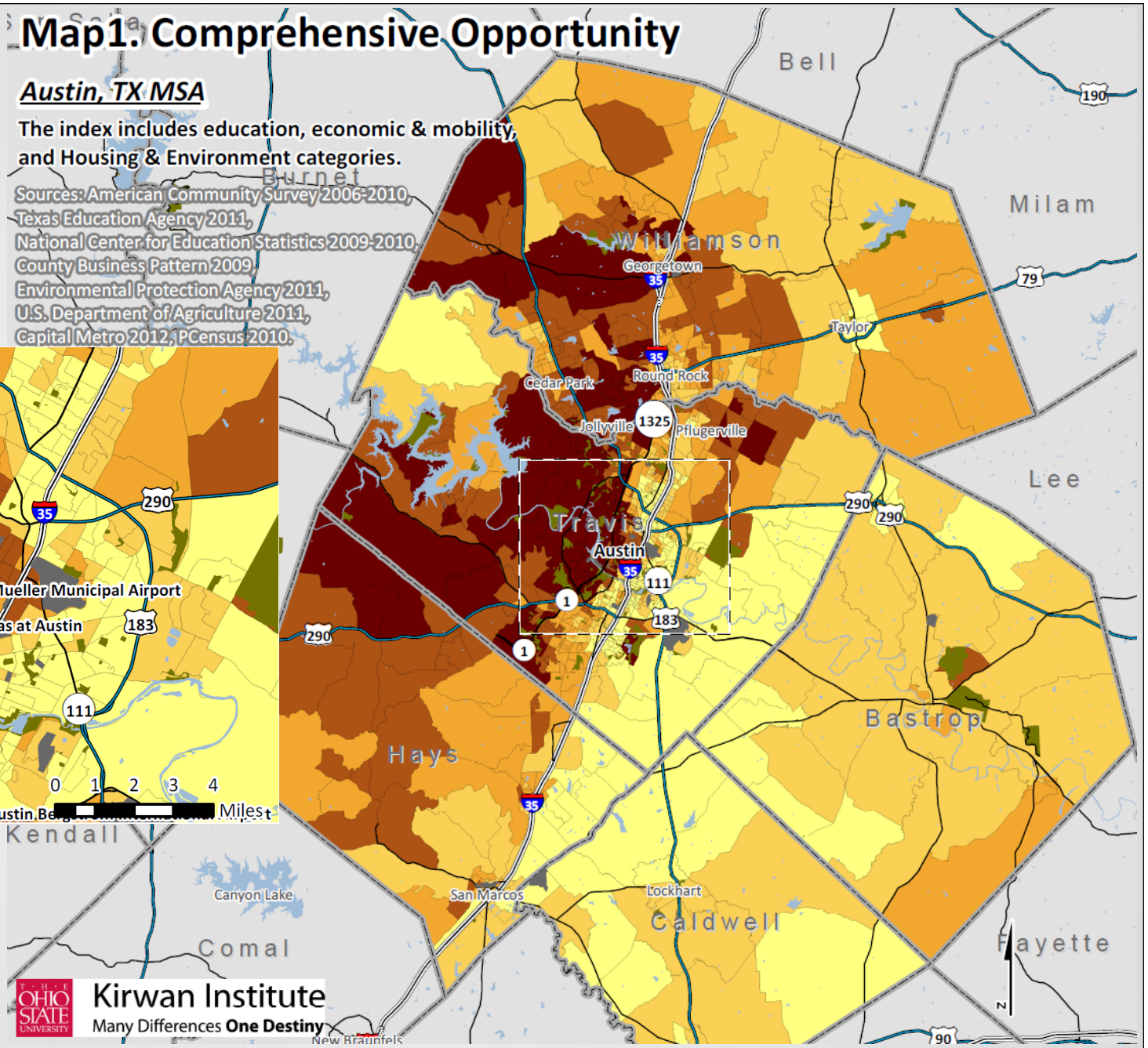
## Austin, TX MSA

The index includes education, economic & mobility, and Housing & Environment categories.

Sources: American Community Survey 2006-2010,  
Texas Education Agency 2011,  
National Center for Education Statistics 2009-2010,  
County Business Pattern 2009,  
Environmental Protection Agency 2011,  
U.S. Department of Agriculture 2011,  
Capital Metro 2012, PCensus 2010.



**Kirwan Institute**  
Many Differences One Destiny



# Results of the Analysis of Impediments

- 12 identified barriers to fair housing choice in Austin
- AI focuses on protected classes and housing choice (race, ethnicity, disability, familial status)
- Fair Housing Action Plan (FHAP) developed to:
  - Identify impediments to fair housing choice
  - Create strategies to address the impediments



# Fair housing barriers

## High priority barriers

1. Lack of affordable housing disproportionately impacts protected classes with lower incomes and higher poverty rates.
2. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices.
3. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.
4. Information on housing choice is not widely available in languages other than English and/or in accessible formats. Information for people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs is limited.
5. Complaint data signals non-compliance of property owners and builders with accessibility requirements.



# Fair housing barriers

## Medium priority barriers

- 6.** Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.
- 7.** Private market barriers include steering, high loan denials for African Americans and other protected classes, and overly complex and rigorous standards for rental qualifications.
- 8.** City incentives to create affordable housing may not be equitably distributed throughout the city and may not serve the protected classes with the greatest needs.
- 9.** The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods may influence the housing choices of protected classes, potentially restricting access to opportunities.

# Fair housing barriers

## Medium priority barriers, continued

- 10.** The City's historical lack of funding for public infrastructure and amenities, including parks, in different neighborhoods may disproportionately impact protected classes, influence housing preferences, and restrict access to opportunities.
- 11.** Lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.
- 12.** "Crime in neighborhood" is a frequently cited reason for dissatisfaction with current housing.



# The Fair Housing Action Plan

- Recommendations to address barriers are outlined in the City's Fair Housing Action Plan
- Some relate to already ongoing actions (e.g. housing strike fund) while some recommend new policies or commitments (e.g. relax ADU regulations)
- Summer 2015 work product was an inventory of how City departments were *already* addressing some of these recommendations
  - Ex: The plan recommends developing a list of units created through City incentive/bonus programs, which is already underway

# 2015 Accomplishments

## Austin City Council Actions

- Amended the Planned Unit Development (PUD) density bonus regulations to require developers receiving density bonuses to construct affordable units on-site, or to demonstrate the infeasibility of doing so in order to pay a fee in lieu of this housing. Non-residential PUDs will be required to pay a fee-in-lieu for affordable housing as well.
- Approved the following changes to accessory dwelling unit (ADUs) regulations:
  - reduce parking space requirements;
  - eliminate parking requirement for ADU within 1/4 mile of an Imagine Austin activity corridor that is served by transit;
  - reduce minimum lot size for ADUs on SF-3 zoned lots to 5,750 square feet; and
  - add greater flexibility in the placement of the ADU on the lot.

# 2015 Accomplishments

## Austin City Council Actions (continued)

- Adopted resolution to:
  - analyze the potential for CodeNEXT to affirmatively further fair housing, giving low- and moderate-income residents housing choices in high opportunity and gentrifying areas; and
  - include as many affordable housing options as possible for Austinites at various income levels and household sizes.

# Next Steps

- Continue meeting with departmental Single Points of Contact (SPOCs) to identify more ongoing actions
- Continue actions on recommendations (i.e. City-wide affordable housing targets, district dispersion goals, etc.)
- Continue recordkeeping to ensure compliance
- Update the public on progress of the plan

# Questions?